

250 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-33769-2018

Date of decision: July 10, 2019

Raj Kumar

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Isham Thakur, Advocate for the petitioner.

 Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to respondent No.2 to register an FIR against respondent No.4-Harpinder Singh for causing injury to the son of the petitioner.

Reply by way of affidavit of Senior Superintendent of Police, SAS Nagar, Mohali is on the file. As per the reply, the Station House Officer, Police Station Naya Gaon, Mohali was asked to submit a report after enquiring into the matter. The report was submitted before the Deputy Superintendent of Police, City-1, Mohali in which it was recommended that no further action is called for. As per the report of Station House Officer, Naya Gaon, it is stated that during the enquiry and a perusal of the medical report of Civil Hospital, Kharar and on obtaining the report of the doctor, no fracture was found on the bone of Pankaj. It is further submitted that to verify the medical record (Annexure P-2 filed with the petition) an application was given to the Government Medical Hospital, Sector 16, Chandigarh, wherein it is stated that the patient with UHID No.2018

reported that the son of the petitioner was neither harassed nor given any beatings in the Police Station.

The operative part of the affidavit regarding the incident reads as under :-

“That the brief factual matrix of the present case as alleged is that the petitioner, namely, Raj Kumar is employed as Safai Karamchari in Punjab and Haryana High Court at Chandigarh since 1991 and is residing at House No.2120, Sector 23, Chandigarh and that on 14.7.2018 a quarrel had taken place at Vishal Garments Shop, Naya Gaon, Mohali. That a boy named Gaurav who is friend of the son of the petitioner, i.e. Pankaj Kumar and both of them are working at Hotel Mountview, Sector 10, Chandigarh. On the same day, Gaurav had gone to the shop of Vishal to return an amount of Rs.500/- and during which a quarrel took place between both of them at the shop as Gaurav wanted to get back Rs.100/-. Then Gaurav snatched Rs.500/- from Vishal and ran away. Vishal telephoned his father and told him what happened with him. Thereafter, Vishal and his father went to meet Gaurav at his home and threatened him to return their money which Gaurav refused. After failing to get the money back, Vishal along with his father reached Naya Gaon Police Station and filed a complaint. Vishal called son of the petitioner, namely, Pankaj and told him all about the incident as he knows that the son of the petitioner and Gaurav work in the same office. The son of the petitioner was allegedly beaten by the police officials when he went to Police Station, Naya Gaon. After an hour the petitioner went to the Police Station and met his son where his son told him that they were beaten without any reason and that here he got his right foot fractured.”

In view of the above, no further action is called for.

However, liberty is granted to the petitioner to avail the alternative remedy, if any.

The petition stands disposed of.

**(ARVIND SINGH SANGWAN)
JUDGE**

**July 10, 2019
satish**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No